



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

September 14, 2017

TO: Members
Wisconsin State Senate

FROM: Bob Lang, Director

SUBJECT: AA 20 to ASA 1 to AB 64

Yesterday, the Assembly adopted AA 20 to ASA 1 to AB 64 and passed the bill, as amended, on a vote of 57-39 with 2 pairs.

Following is a summary of the provisions of AA 20 to ASA 1 to AB 64.

Summary of Amendment Provisions

1. DIVISION OF CRIMINAL INVESTIGATIONS OVERTIME FUNDING

Transfer \$558,900 GPR in 2017-18 and 2018-19 from the Joint Committee on Finance's supplemental appropriation to the Department of Justice (DOJ) to support overtime expenses in the Division of Criminal Investigations (DCI). Specify that funding in the 2017-19 biennium would be one-time. Under the Joint Finance Substitute Amendment, \$558,900 GPR annually was placed in the Committee's appropriation for DCI overtime costs, and would have required DOJ to submit an s. 13.10 request for release of funding. The Assembly Amendment appropriates the funding directly to DOJ for DCI overtime costs in the 2017-19 biennium.

2. RAILROAD GATE CROSSING ON FIRE LANE 12 NEAR THE VILLAGE OF FOX CROSSING (WINNEBAGO COUNTY)

Delete the provision that would have directed DOT, in consultation with the Office of the Railroad Commissioner, to install a railroad gate crossing on Fire Lane 12, south of STH 114, near the Village of Fox Crossing (formally the Town of Menasha) in Winnebago County. The provision

would have required that the railroad crossing be installed no later than January 1, 2018.

3. CHILD PROTECTIVE SERVICES IN MILWAUKEE COUNTY

Delete provisions which would allow the Department of Children and Families to contract with county departments to perform its duties as to child protective services in Milwaukee County.

4. PRIMITIVE CABIN BUILDING CODE EXEMPTION

Modify the exemption created in the Joint Finance Substitute Amendment for "primitive cabin" from the one- and two-family dwelling code, electrical wiring code, and plumbing code. Specify that a "primitive rural hunting cabin," rather than "primitive cabin" would be exempt from these codes if the structure satisfies all of the following: (a) the structure is not used as a home or residence (this would delete references to the structure being used as a sleeping place); (b) the structure is used principally for recreational hunting activity (rather than for recreational activity); and (c) the structure does not exceed two stories in height (this would delete the requirement that the height limit excludes a basement). In addition, specify that a primitive rural hunting cabin constructed before December 31, 1997, qualifies for the code exemption, rather than a primitive cabin constructed before the effective date of the bill under the Substitute Amendment. The amendment would retain provisions under the Substitute Amendment prohibiting cities, villages, towns, and counties from exercising jurisdiction over the construction or inspection of primitive rural hunting cabins.

5. MEDICAL ASSISTANCE COVERAGE OF COMPLEX REHABILITATION TECHNOLOGY

Modify provisions in the Joint Finance Substitute Amendment that would establish durable medical equipment that is considered complex rehabilitation technology (CRT) a covered service under the state's medical assistance (MA) program as follows.

Definition of Qualified Health Care Professionals. The substitute amendment defines a "qualified health care professional" to include a licensed physician or physician assistant, a licensed physical therapist, or a licensed occupational therapist. This amendment adds licensed chiropractors to the definition of qualified health care professionals.

Qualified health care professional are referenced several times in the substitute amendment. First, DHS must promulgate rules and policies for the use of CRT by MA recipients, including a requirement that MA recipients who need a manual wheelchair, power wheelchair, or other seating component be evaluated by a qualified health care professional that does not have a financial relationship with the CRT supplier. Second, individually configured devices must operate in accordance with an assessment or evaluation of the MA recipient by a qualified health care professional. Third, qualified CRT suppliers must employ at least one CRT professional to analyze the needs and capacities of the complex needs patient in consultation with a qualified health care professional.

Definition of CRT. Under the substitute amendment, CRT is defined as items classified within Medicare as durable medical equipment that are individually configured for individuals to meet their specific and unique medical physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary. The amendment would retain this definition, but also specify that CRT includes complex rehabilitation manual and power wheelchairs, adaptive seating and positioning items, and other specialized equipment such as standing frames and gait trainers, as well as options and accessories related to any of these items.

In addition, the amendment would specify that these provisions are not intended to affect coverage of speech generating devices, including several common procedure coding systems codes listed in the amendment.

Rules. Under the substitute amendment, DHS would be required to submit the proposed rules no later than the first day of the 7th month after the bill's general effective date. The amendment would require DHS to submit proposed rules relating to the CRT benefit to the Legislative Council staff no later than the first day of the 13th month after the bill's general effective date.

In addition, the amendment would delete the listing of all healthcare common procedure code system codes that, under the substitute amendment, DHS would be required to include in the proposed rules. Instead, DHS would be required to include in the rules the common procedure code system codes that are used in the federal Medicare program for complex rehabilitation technology for the MA program that are in accordance with the definition of CRT in the bill.

6. PATTISON COMMUNICATIONS TOWER

Enumerate the "Pattison Communications Tower" project under the Department of Natural Resources as part of the 2017-19 state building program. The substitute amendment would provide \$1,241,700 forestry SEG in 2017-18 in a new continuing appropriation for the construction of a communications tower at Pattison Ranger Station in Pattison State Park in the Town of Superior (Douglas County).

7. PENINSULA STATE PARK EAGLE TOWER RECONSTRUCTION

Enumerate the "Peninsula State Park -- Eagle Tower Reconstruction" project at a total funding level of \$2,522,100. Funding would be provided to the Department of Natural Resources rather than the Friends of Peninsula State Park, Inc.

8. MA REIMBURSEMENT FOR AMBULATORY SURGICAL CENTERS

Provide \$1,250,000 GPR in 2017-18 and 2018-19 in the Joint Committee on Finance program supplements appropriation to fund rate increases for ambulatory surgical centers (ASCs) under the Medical Assistance (MA) program. Increase estimates of federal MA benefits costs by

\$1,777,400 FED in 2017-18 and \$1,795,800 FED in 2018-19.

Direct the Department of Health Services to consult with ASCs to develop a plan to increase reimbursement rates for ASCs under the MA program. Authorize DHS to submit one or more requests to the Joint Committee on Finance to transfer up to \$2,500,000 GPR in the 2017-19 biennium from the Committee's program supplements appropriation to the MA benefits appropriation for this purpose. Authorize the Committee to approve the release of this funding under a 14-day passive review process. Specify that the Committee is not required to find that an emergency exists before authorizing the transfer.

FISCAL EFFECT

The amendment would provide \$1,250,000 GPR and \$1,777,400 FED in 2017-18 and \$1,250,000 GPR and \$1,795,800 FED in 2018-19. The 2017-19 net, ending balance in the general fund of AB 64, as passed by the Assembly, is estimated at \$119.4 million.